

## ANNEXURE

THE BANGALORE CITY CIVIL COURT (AMENDMENT)  
BILL, 1980.

[L. A. Bill No. 25 of 1980]

A Bill further to amend the Bangalore City Civil Court Act, 1979.

Whereas it is expedient further to amend the Bangalore City Civil Court Act, 1979 (Karnataka Act No. 13 of 1980) for purposes hereinafter appearing ;

Be it enacted by the Karnataka State Legislature in the Thirty-First year of the Republic of India as follows :—

1. **Short title.**—This Act may be called the Bangalore City Civil Court (Amendment) Act, 1980.

2. **Amendment of section 1.**—In section 1 of the Bangalore City Civil Court Act, 1979 (Karnataka Act No. 13 of 1980) (hereinafter referred to as the principal Act), in sub-section (2), after the words “thirty-first day of August 1979”, a comma and the words, brackets, figures and letter “clause (2A) of section 17 shall come into force at once” shall be inserted.

3. **Amendment of section 2.**—In section 2 of the principal Act, for clause (2) the following clause shall be substituted, namely :—

“(2) “City of Bangalore” means the area for the time being included in the Metropolitan area comprising the Bangalore City declared under section 8 of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974) ;”

4. **Amendment of section 4.**—In section 4 of the principal Act, for the words “to a court” the words “to be a court” shall be substituted.

5. **Amendment of section 7.**—In section 7 of the principal Act, in sub-section (4), for the word “rules” the word “orders”, shall be substituted.

6. **Amendment of section 12.**—In section 12 of the principal Act, in sub-section (2), for the words “the powers and” “of the powers” wherever they occur, the words “the jurisdiction and powers” shall be substituted.

7. Amendment of section 15.—In section 15 of the principal Act, in clause (a), after the words “the City of Bangalore”, the words “as defined in the Bangalore City Civil Court Act, 1979”, shall be inserted.

8. Amendment of section 17.—In section 17 of the principal Act,—

(1) after clause (2), the following clause shall be inserted, namely,—

“(2A) in the proviso to sub-section (2) of section 8, for the words “three thousand rupees”, the words “ten thousand rupees” shall be substituted.

(2) in clause (3), for the words “in our cases” the words “in other cases” shall be substituted.

9. Amendment of section 19.—In section 19 of the principal Act,—

(1) in sub-section (2), for the words “transferred to the High Court and shall be disposed of by the High Court as if such appeals or proceedings had been preferred under this Act” the words “transferred to the City Civil Court and shall be disposed of by the City Civil Court which is hereby empowered to hear such appeals and proceedings, as if they had been instituted, filed or commenced in such court” shall be substituted.

(2) in sub-section (6) for clauses (a) and (b), the following clauses shall be substituted, namely:—

“(a) All applications under the Karnataka Rent Control Act, 1961 (Karnataka Act 22 of 1961) and proceedings connected therewith and all suits, applications and other proceeding pending in the Courts of Civil Judges and Munsiffs exercising jurisdiction within the limits of the City of Bangalore which by virtue of this Act or any amendment made by this act or any notification issued under section 8 of the Karnataka Small Causes Court Act, 1964 (Karnataka Act 11 of 1964), have to be instituted, filed or commenced in the Court of Small Causes, shall, on the appointed date, stand transferred to the Court of Small Causes and shall be disposed of by the said court as if they have been instituted or commenced before it.

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(b) In relation to the execution of decrees and orders passed before the appointed date the court which passed the decree shall be deemed to be—

(a) where such decrees or orders have been passed in the exercise of any jurisdiction under the Karnataka Rent Control Act, 1961 (Karnataka Act 22 of 1961) or the Karnataka Small Causes Courts Act, 1964 (Karnataka Act 11 of 1964), the Court of Small Causes Bangalore ; and

(b) in other cases, the City Civil Court."

(3) for sub-section (7), the following sub section shall be substituted, namely :—

(7) All suits, petitions, applications, appeals and other proceedings which under this section stand transferred to the Principal City Civil Judge or to the City Civil Court or to the Court of Small Causes, shall, stand posted to and be called before the Principal City Civil Judge or in the City Civil Court or in the Court of Small Causes, as the case may be, on the respective dates to which the said suits, petitions, applications, appeals and other proceedings stood adjourned or posted by the courts referred to in sub-section (4) of section 3 or tribunals or authorities referred to in sub-section (2) of section 12 as if the orders of adjournment or posting in that behalf had been made by the Principal City Civil Judge, the City Civil Court or the Court of Small Causes, as the case may be, and the party or the parties there to shall not be entitled to notice of such transfer."

(4) in sub section (8).—

(a) for the words "all applications, appeals", the words "save as otherwise provided in sub-section (6), all applications, appeals" shall be substituted ;

(b) after the words "Principal City Civil Judge" the words "or any other Judge nominated by him" shall be inserted.

(b) after sub-section (9), the following sub-section shall be inserted, namely :—

"(9A) If there be any doubt or difficulty in regard to the question as to which Judge or Court, any suit, appeal or proceeding shall stand transferred to under this section, the Judge or Court designated by the High Court shall be the Judge or Court to which the said suit, appeal or proceeding shall stand transferred under this section and the decision of the High Court shall be final."

**10. Repeal.**—The Bangalore City Civil Court (Amendment) Ordinance 1980 (Karnataka Ordinance No. 4 of 1980) is hereby repealed.

### STATEMENT OF OBJECTS AND REASONS.

The Bangalore City Civil Court Bill as passed by both Houses of the Legislature was published as an Act after obtaining the assent of the President. "City of Bangalore" is defined in section 2(2) of the said Act to mean the area comprised within the limits specified in Annexure B of the Schedule to the Notification No. HUD 4 MNX 79 dated 6th March 1979. The said Notification has been rescinded. It therefore became necessary to specify the area of "City of Bangalore" for the purposes of the Bangalore City Civil Court.

The High Court had originally proposed that the said Court would try civil cases only. Subsequently, the High Court recommended that the presiding Officers of the said Court would try criminal cases also. Accordingly, the High Court recommended that the area of the "City of Bangalore" may be the area declared to be a metropolitan area under Section 8 of the Cr. P.C.

The High Court also recommended that,—

(i) the pecuniary jurisdiction of the court of Small Causes in Bangalore may be increased to Rs. 10,000;

(ii) all proceeding pending in the District Court, Court of the Civil Judge and the Munsiff's Court be transferred to the City Civil Court instead of to the High Court as at present; and

(iii) provision be made to dispense with the giving of notices to parties after the appeals, applications, suits etc., are transferred to the City Civil Court or the Small Causes Court.

In order enable the establishment of the Bangalore City Civil Court very early and as the Legislative Council was not in Session, the Bangalore City Civil Courts (Amendment) Ordinance, 1980 providing for these matters was promulgated. Subsequently the High Court suggested certain other provisions of a procedural and clarificatory nature. They have also been incorporated in the Bill which is intended to replace the Ordinance.



**EXPLANATORY STATEMENT AS REQUIRED UNDER CLAUSE (1)  
OF RULE 70 OF THE RULES OF PROCEDURE AND CONDUCT  
OF BUSINESS IN THE KARNATAKA LEGISLATIVE  
ASSEMBLY.**

The Bangalore City Civil Court Bill as passed by both Houses of the Legislature was published as an Act after obtaining the assent of the President. 'City of Bangalore' was defined in section 2(2) of the said Act to mean the area comprised within the limits specified in Annexure B of the Schedule to the notification No. HUD 4 MNX 79 dated 6-3-1979. The said Notification has been rescinded. It therefore became necessary to specify the area of 'City of Bangalore' for the purpose of the Bangalore City Civil Court.

The High Court had originally proposed that the said Court would try civil cases only. Subsequently, that the High Court recommended that the presiding officers of the said court would try criminal cases also. Accordingly the High Court recommended that the area of the 'City of Bangalore' may be the area declared to be a metropolitan area under section 8 of the Cr. P.C.

The High Court also recommended that,—

(i) the pecuniary jurisdiction of the court of Small Causes in Bangalore may be increased to Rs. 10,000; and

(j) proceedings pending in the District Court, Court of the Civil Judge and the Munsiff's Court be transferred to the City Civil Court instead of to the High Court as at present.

Government considered it necessary to take immediate steps for the establishment of the Bangalore City Civil Court. As the Court could not be established without effecting the amendments proposed and as the Legislative Council was not in session the Bangalore City Civil Court (Amendment) Ordinance, 1980, providing for the above matters was promulgated.

**Y. RAMAKRISHNA.**

**M. SUBRA RAO**  
*Secretary.*

## ANNEXURE

*Extract from The Bangalore City Civil Court Act, 1979.*

1. **Short title and Commencement.**—(1) This Act may be called the Bangalore City Civil Court Act, 1979.

(2) This section shall be deemed to have come into force on the thirty first day of August 1979 and the other provisions shall come into force on such date as the State Government may, by notification, appointment.

2. **Definitions.**—In this Act, unless the context otherwise requires,—

(2) "City of Bangalore" means the area comprised within the limits specified in annexure 'B' of the Schedule to the Notification No. HUD 4 MNX 79, dated 6th March 1979;

4. **Subordination to and superintendence by the High Court.**—The City Civil Court shall be deemed to a court subordinate to and subject to the control and superintendence of the High Court.

7. **Registrar etc.**—

(4) Subject to the rules made by the High Court in this behalf the Registrar, the Deputy Registrars and other staff shall exercise such powers and discharge such duties as the Principal City Civil Judge may from time to time assign.

12. **Construction of references to District Court, the court of the civil Judge, Munsiff's court, District Judge and Munsiff in other laws.**—

(2) Where immediately prior to the appointed date, under any law in force in the City of Bangalore, the powers of a tribunal or any other authority,—

(a) are exercised by the District Court or the Court of the Civil Judge or the Munsiff's Court, referred to in sub-section (4) of section

3 on and from the appointed date of the powers of such tribunal or other authority shall, in the City of Bangalore, be exercised by the City Civil Court.

(b) are exercised by the District Judge or a Civil Judge or a Munsiff' presiding over any of the Courts, referred to in sub-section (4) of section 3, on and from the appointed date the powers of such tribunal or other authority shall in the City of Bangalore be exercised by the Principal City Civil Judge or any other Judge nominated by him

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**15 Amendment of Karnataka Act 22 of 1961.**—In the Karnataka Rent Control Act, 1961 (Karnataka Act 22 of 1961),—

(a) for clause (d) of section 3, the following clause shall be substituted, namely;—

“(d) ‘Court’ means,—

(i) in respect of the area comprised within the limits of the City of Bangalore, the Court of Small Causes;

(ii) in such other areas as the State Government, may in consultation with the High Court, by notification specify, the court of the Civil Judge having territorial jurisdiction over such area; and

(iii) in respect of areas other than those referred to in sub-clauses (i) and (ii), the Court of Munsiff having territorial jurisdiction over such area.

**17. Amendment of Karnataka Act 11 of 1964** :—In the Karnataka Small Cause Court Act, 1964 (Karnataka Act 11 of 1964) —

**8. Cognizance of Suits by Courts of Small Causes** :—(1) A Court of Small Causes shall not take cognizance of the suits specified in the Schedule as suits excepted from the cognizance of a Court of Small Causes.

(2) Subject to the exceptions specified in the Schedule and to the provisions of any law for the time being in force, all suits of a civil nature which the value does not exceed five hundred rupees shall be cognizable by a Court of Small Causes :

Provided that the State Government, in consultation with the High Court, may by notification, direct that all suits of which the value does not exceed three thousand rupees shall be cognizable by a Court of Small Causes mentioned in the notification.

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(3) for section 17, the following section shall be substituted, namely :—

“17. Appeals from Certain orders of Small Causes.—An appeal shall lie from every order under section 35A and section 95 of the Code as specified in and to the extent provided by section 104 of the Code,—

(a) to the High Court where the order is of the Court of Small Causes in the City of Bangalore ;

(d) to the District Court in our cases.” ;

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### 19. Special provisions for transfer of pending suits, etc :—

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(2) All appeals and proceedings connected therewith pending before the said District Courts or the Courts of the Civil Judge referred to in sub-section (4) of section 3 shall on the appointed date stand transferred to the High Court and shall be disposed of by the High Court as if such appeals or proceedings had been preferred under this Act.

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(6) (a) As from the appointed date the court of the Civil Judge exercising jurisdiction within the local limits of the City of Bangalore, under the Karnataka Rent Control Act 1961 (Karnataka Act 22 of 1961) shall cease to have jurisdiction and all applications and proceedings connected therewith pending in such court and which under the said Act as amended by this Act have to be instituted or commenced in the court of Small Causes shall, on the appointed date, stand transferred to the court of Small Causes and shall be disposed of by the said court as if they had been instituted or commenced before it;

(b) All appeals referred to in sub-section (2) of section 8 of the Karnataka Rent Control (Amendment) Act, 1975 (Karnataka Act 31 of 1975), pending before the District Court referred to in sub-section (4) of section 3 shall on the appointed date stand transferred to the High Court and shall be disposed of by the High Court as if such appeals had been preferred to the High Court under the provisions of section 49 of the Karnataka Rent Control Act 1961 (Karnataka Act 22 of 1961) as it stood before the commencement of the said amendment Act;

(c) Applications for review and for execution of a decree or order passed by the court of Civil Judge referred to in sub-section (4) of section 3 under the Karnataka Rent Control Act 1961 (Karnataka Act 22 of 1961) which have not been filed before the appointed date may on and from the appointed date be filed in the court of Small Causes ;

(d) A review petition or an application for execution under clause (c) shall be filed before the expiry of the period prescribed for filing review or application for execution, as the case may be, against the decrees and orders passed prior to the appointed date ;

(7) All suits, petitions, applications and other proceedings which stand transferred to the City Civil Court under sub-section (1) shall stand posted to and be called in the City Civil Court on the respective dates to which the said suits, petitions, application and other proceedings stood adjourned or posted to in or by the courts referred to in sub-section (4) of section 3, as if the orders of adjournment or posting in that behalf had been made by the City Civil Court and the party or parties thereto shall not be entitled to notice of such transfer.

(8) All applications, appeals, petitions and other proceedings pending before the District Court, the Court of the Civil Judge, the Munsiff's Court, the District Judge, the Civil Judge or the Munsiff exercising powers of a tribunal or any other authority referred to in sub-section (2) of section 12, shall, on the appointed date stand transferred to and be continued and disposed of by, the City Civil Court or the Principal City Civil Judge, as the case may be ;

## **EXTRACT FROM CODE OF CRIMINAL PROCEDURE 1973**

### **(CENTRAL ACT 2 of 1974)**

**8. Metropolitan areas.**—(1) The State Government may, by notification declare that, as from such date as may be specified in the notification, any area in the State comprising a city or town whose population exceeds one million shall be a metropolitan area for the purposes of this Code.

(2) As from the commencement of this Code, each of the Presidency towns of Bombay, Calcutta and Madras and the city of Ahmedabad shall be deemed to be declared under sub-section (1) to be metropolitan area.

(3) The State Government may, by notification, extend, reduce or alter the limits of a metropolitan area but the reduction or alteration shall not be so made as to reduce the population of such area to less than one million.

(4) Where, after an area has been declared, or deemed to have been declared to be, a metropolitan area, the population of such area falls below one million, such area shall on and from such date as the State Government may, by notification specify in this behalf, cease to be a metropolitan area; but not withstanding such cesser any inquiry, trial or appeal pending immediately before such cesser before any Court or Magistrate in such area shall continue to be dealt with under this Code, as if such cesser had not taken place.

(5) Where the State Government reduce or alters, under sub-Section (3), to limits of any metropolitan area, such reduction or alteration shall not affect any inquiry trial or appeal pending immediately before such reduction or alteration before any Court or Magistrate, and every such inquiry, trial or appeal shall continue to be dealt with under this Code as if such reduction or alteration had not taken place.

**Explanation.**—In this section, the expression “population” means the population as ascertained at the last preceding census of which the relevant figures have been published.

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